

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CITYNET, LLC, on behalf
of the United States of America,

Plaintiff/Relator,

v.

FRONTIER WEST VIRGINIA INC., a
West Virginia Corporation, **KENNETH
ARNDT**, individually, **DANA WALDO**,
individually, **MARK McKENZIE**,
individually, **KELLY GOES**, individually,
JIMMY GIANATO, individually, and
GALE GIVEN, individually,

Defendants.

Civil Action No.: 2-14-CV-15947

Judge Copenhaver

FRONTIER DEFENDANTS' MOTION TO EXTEND PAGE LIMITATION

Defendants Frontier West Virginia Inc., Kenneth Arndt, Dana Waldo, and Mark McKenzie (collectively, "Frontier Defendants"), by undersigned counsel, respectfully request that this Court extend the page limitation for their forthcoming memorandum of law in support of their motion to dismiss the First Amended Complaint filed by Plaintiff Citynet, LLC ("Plaintiff"). This Motion is made pursuant to Local Rule of Civil Procedure 7.1. As required by that Rule, this Motion is being filed more than three days prior to the relevant filing.

Plaintiff's Complaint asserts 9 counts against the Frontier Defendants in a 32-page, 194-paragraph complaint. *See* ECF Doc. 30. Frontier Defendants' anticipated arguments in support of dismissal are several and relatively complex. This supports a finding of good cause to extend the page limitation for the memorandum in support from 20 pages to 35 pages. This will allow for a full and fair briefing of the Frontier Defendants' dismissal arguments. Given the length and number of allegations contained in Plaintiff's First Amended Complaint, restricting the Frontier

Defendants to a 20-page memorandum would unfairly prejudice them by limiting their ability to address all arguments and issues needed to support the motion. The Frontier Defendants note that they are jointly represented and will only be filing one motion and memorandum on behalf of all four Frontier Defendants. Plaintiff has authorized Frontier Defendants to state that it does not oppose this Motion.

Accordingly, the Frontier Defendants request that the Court find that good cause exists to exceed the page limitation set forth in Local Rule 7.1 and extend the page limitation of the Frontier Defendants' forthcoming Motion to Dismiss to 35 pages rather than 20.

Respectfully submitted,

**DEFENDANTS FRONTIER WEST VIRGINIA, INC.,
KENNETH ARNDT, DANA WALDO, and MARK
McKENZIE**

By counsel,

J. David Fenwick

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CERTIFICATE OF SERVICE

I, J. David Fenwick, counsel for Frontier West Virginia, Inc., Kenneth Arndt, Dana Waldo, and Mark McKenzie, do hereby certify that on the 27th day of July, 2016, I served **Frontier Defendants' Motion to Extend Page Limitation** upon counsel of record via one or more of the following methods: (1) electronic notification through the Court's CM/ECF system, and/or (2) depositing true copies in the U.S. Mail, postage prepaid, addressed as follows:

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